File No. 537(87)

19 31.

Collection No.

P&19 (2)

Mysore Residency

Bangalore.

Pros. / Serial Nos. 1-12

S.N. 12 Destroyed

4/2/65

Subject.

Non payment of press bills by the Bangalore Mail Bangalore and withdrawal of permission to print and publish.

Previous References.

Later References.

S. 97.—(Blue).

MFP—168S&P—(M-184)—1L.8.34—60,000.

paras 1 to 3
of Mrs
Aspinall's
letter
4/7/25

NOTES AND PRECIS.

Letter No.4501-A-33 dated the 22nd August 1933
from the Collector, Civil and Military Station, Bangalor

S.N.4
~~P.U.C. I.~~
Colln (G)

Letter No. TN/258/T dated the 29th August 1933
from the Postmaster-General, Madras.

S.N.5.
~~P.U.C. II.~~
Colln (G)

4

As a point of law is involved in this, it is for orders whether it may at this stage be transferred to Head Clerk.

Id/- B.J.
1/9/33.

Yes.
Perhaps a suit will have to be filed for the recovery of the amount.

Id/- P.M.R.
3/9/33.

5

The Bangalore Mail, a newspaper published in the Station, was granted the concession of sending and receiving press telegrams, without prepayment on a security deposit of Rs.200/- in August 1931. It defaulted payment of its bill for February 1933 which was presented in April 1933 and also the bills for subsequent months. The concession is therefore said to have been withdrawn in May 1933. But it is stated neverthless that two bills for May and June 1933 are also due. The total amount thus due from the paper for the months from Febr. to June 1933 is Rs.2834 against a security deposit of Rs.200/-. The Postmaster-General now seeks the advice of this,office as to the course of action to be pursued for recovery of the sum. The Collector, who was

Para 1 of S.N.1
Colln. (G)

S.N.5
~~P.U.C. II~~
Colln (G)

S.N.5
~~P.U.C. II~~
Colln (G)

Ø S.N.3
Colln. 'F' G

S.N.4
P.U.C. I
Colln (G)

/ Page 2 of S.N.2
Colln. 'F' G

consulted, says that in the absence of any provision either in the Indian Telegraph Act or the Indian Post Office Act for recovery of the amount as an arrear of land revenue he can do nothing in the matter. The Editor and lessee of the paper has offered to pay the sum in instalments of Rs.100/- commencing from August. It is not known what amount has so far been paid.

6

In respect of a newspaper published in the State this office first satisfies itself that there is no objection to its being given the usual postal concession (i.e., the concession of transmitting by post at a reduced rate of postage) and gives a certificate to the P.M.G. to that effect. In respect of a paper to be published in the Station, the Resident gives permission to edit, print and publish. Registration in the latter case is effected on an application made by the paper direct to the P.M.G. accompanied by a certificate from the District Magistrate concerned that the declaration required by section 5 of the Press and Registration of Books Act, 1867, has been made.

Ø Vide S.N.5
Colln. 'G'

u Para 75 of the Post and Telegraph Guide.
Colln. 'F' (7)

* Vide S.N.6
Colln. 'G'

7

This office does not recommend the grant to any newspaper, whether published in the State or station, of the concession of sending or receiving press telegrams without prepayment. Nor has this concession anything

to

do with the recommendation for postal concession referre to in the previous para.

The concession regarding press telegrams is given by the Post and Telegraph Authorities on their own account in accordance with rule 140 of the Indian Telegraph Rules 1927, and para 344 of Volume XI (Traffic Instructions) of the Post and Telegraph Manual. The bills are collected in accordance with the instructions in paras 52-54 of the Message Revenue Account Code published by the Post and Telegraph Department.

Page 8 of the Extracts at 'E'

Page 2 of the Extracts at 'E'

Page 3 of the Extracts at 'E'

Not put up

The rule and instructions referred to above, while they admit of a newspaper receiving and sending press telegrams without prepayment, are calculated to avoid the chance of the newspapers falling into arrears. The rule requires the deposit of a sum (in post Office cash certificate or in G.P. notes) which is the equivalent of 8 weeks transactions or 6 weeks transactions, according as the bills are to be paid monthly or fortnightly. The amounts are also required to be paid within one week of the receipt of the bill; failing which the matter is to be reported by wire to the P.M.G. by the concerned local telegraph officers, (para 53 Message Revenue Account Code). The P.M.G. should then cancel the authority for the acceptance without pre-

payment

* Rule 140. (Not put up)

× Page 3 of (E)

repayment, of telegrams of the defaulter and at once inform the offices concerned (para. 54 Message Revenue Account Code)-. The Post and Telegraph authorities appear in this case to have disregarded the rule and instructions referred to above and hence the large arrears.

To begin with, assuming that accounts are to be rendered monthly, a deposit of Rs.200/- appears to be insufficient to conver even a month's transactions, judging from the bills for February-June 1933 - Viz., Rs.2834 or an average of Rs.567 per mensem. The deposit in this case should have been Rs.1150/-. The Post and Telegraph Authorities appear to have been at fault also in other respects. The bill for February was presented in April whereas it should have been sent in March. Though the authority for receiving and sending prepaid telegrams is said to have been cancelled on the 3rd May 1933, the paper appears to have enjoyed the concession in May as evidenced by the bill for that month (Rs.387-1-0) and also for a short time in June (bill Rs.2-1-1). The arrears are therefore due to the insufficient deposit taken and to failure to present the bill promptly and failure to withdraw the concession in time after default.

In the circumstances explained in the Collector's letter

letter no action is possible on the part of the Local Government to recover the sum. It has only to be remarked that the case is not one governed by the Indian Post Office Act or the rules made thereunder. The Post and Telegraph authorities may file a Civil suit against the defaulting newspaper or accept the terms for instalment payment (Rs.100/- p.m.) offered by the editor and lessee. The editor appears to h admitted his liability. He says however that the proprietor Mr. Perse Ottley is not responsible for amount as, according to the terms of the lease betwe the proprietor and himself (the lessee), the lessee i liable for debts incurred during the period of the lease. The claim of the Post and Telegraph authorities is against the newspaper. The terms of the registered lease between Messrs. Perse Ottley and Roseboom (the editor and lessee) cannot affect the Post and Telegraph authorities who are not parties to it, The terms of the lease may help Mr. Ottley in recovering from Mr. Roseboom any payment he may make on account of the liabilities of the paper—no more. An action would therefore properly lie at the instance of the Post and Telegraph authorities both against the proprietor and the lessee of the paper. It is for them to consider whether

whether they would file a suit or accept the terms for instalment payment offered by the Editor.

A draft to the P.M.G. is submitted.

10

W. Marar
20/XII/33

Secy.

Issue of Renewal
(i) Sec. 2 8/12

S.N.6.

Issued No.11369 dated the 16th December 1933.

Coll: (F)

Resident.

Submitted.
W. Marar.
19 XII 33

CORRESPONDENCE.

Corr.-40.
Old S. F./Rlogs.-40.

V. IX

Indian Posts and Telegraphs Department.

No. T.N.258

FROM

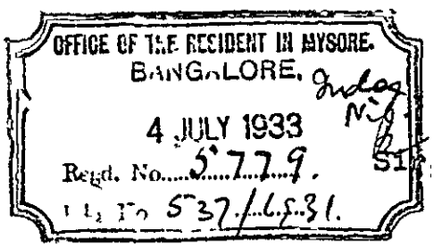
The Postmaster-General,
Madras Circle.

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

Number of enclosures

.....



Dated Madras, *the* 3rd July, *19* 33

Non-payment of press bills by the Bangalore Mail, Bangalore.

---

1 I have the honour to state that an English daily the Bangalore Mail, No. ~~20 St. Marks~~ 11 Residency Road, Bangalore was granted in August 1931, the concession of sending and receiving, press telegrams without prepayment, on a security deposit of Rs.200/-. As the paper failed to pay its press bill for - February 1933 which was presented for payment in April 1933 the bearing press concession granted to the paper was withdrawn on the 3rd May 1933. Now the press bills, for February March and April 1933 amounting to Rs.2444-4-0 and the press bill for 3 days in May 1933, the amount of which will be known shortly, are outstanding against the paper. After deducting the deposit of Rs.200/- the paper is still indebted to this department for a sum of Rs.2244-4-0 and the press bill amount for 3 days in May 1933.

2 The Editor of the paper was asked to pay the above sum before the 25th May 1933 and a copy of his reply thereon dated the 25th May 1933 is forwarded for your information.

3 I shall be obliged by your advising me as to the course of action to be pursued in the matter of recovery of the above sum due to this department.

I have the honour to be,
Sir,
Your most obedient servant,

for Postmaster-General.

Karim Bux Bros., Printers, Calcutta—340 (D-16)—24-6-32—5,00,000.

D. A.

p.t.o

D.A. Copy of letter dated the 25th May 1933 from the Editor and Lessee, The Bangalore Mail, 11 Residency Road, Bangalore, to the Postmaster-General, Madras Circle.

I have to acknowledge your letter of May 22nd and to inform you that it is quite impossible for us to settle the account before the date given by yourself.

I have already explained our position to the Deputy Superintendent-in-charge of the Central Telegraph Office here, and I believe a copy of my letter to him has been forwarded to you

I need only add, therefore, that we are still in very difficult circumstances, but I hope that they will be considerably improved next month, when I will again address you on the subject and make a definite offer of payment. I would accordingly be much obliged if you would extend us your courtesy till then.

Thanking you.

c.m.3/7

Corr.-40.
Old S. F./Progs.-40.

Indian Posts and Telegraphs Department.

No. T.N.-258

FROM

The Postmaster-General,

Madras Circle.

To

The Secretary to the Hon'ble the Resident in Mysore,

Bangalore.

Number of enclosures

Dated Madras *the* 7th July 1933

Subject.- Non-payment of press bills by Bangalore Mail Bangalore.

Sir,

S.N. / auth

OFFICE OF THE RESIDENT IN MYSORE
BANGALORE.
10 JULY 1933
Regd. ... 5924
File No. 537/1934

In continuation of this office letter No. T.N.-258 dated the 3rd July 1933, I have the honour to forward for information copy of letter dated the 3rd July 1933 from the Editor and Lessee, the Bangalore Mail, Bangalore.

§ See below

2. In the above letter the Editor proposes part payment of Rs.100/- per month. If this is permitted the period of payment would extend for about two years and as this is a long period the proposal of the Editor for part payment could not be accepted.

I have the honour to be,
Sir,
Your most obedient servant,

Encl

for Postmaster-General,

Doc-accg.

Copy of letter dated the 3rd July 1933, from the Editor and Lessee, 'The Bangalore Mail', 11, Residency Road, Bangalore, to the Deputy Superintendent-in-charge, C.T.O. Bangalore.

I have to acknowledge your letter No.G.9 of June 29th and previous correspondence. It is not possible for me to make a definite promise regarding payment of your bills at present, as several of my negotiations have not yet matured. I am hoping to raise a considerable sum of money before the 15th of this month and If I am successful I shall

Karim Bux Bros., Printers, Calcutta—340 (D-16)—24-6-32—5,00,000.

shall be able to clear your account in full. If not I shall have to request you to accept payment of your account in instalments commencing from August 1st. Would you be prepared to accept Rs.100 per mensem, on the understanding of course that as soon as the position improves the instalments would be increased, or additional sums will be paid.

2 I should add that Mr. J. Perse-Ottley, Proprietor of the Bangalore Mail is in no way responsible for this account as the terms of the registered agreement under which I have leased the paper from him make me liable for all debts incurred during the period of my lease.

3 The Bangalore Mail is in an extremely difficult position which can only be surmounted with the co-operation of our creditors. I hope therefore that you will recommend a considerate view of our difficulties to the Postmaster-General.

GR/7

_____DEPARTMENT. File No.

_____BRANCH. Serial No.

Draft Letter / Memorandum / Telegram

No. 5825 Dated 11/8/1933 19

Quick, one

Class for telegrams — Ordinary / Express / Urgent* / Priority / Clear Line† — *Only for Foreign Telegrams. †Not for Foreign Telegrams.

Heading :

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(Code word for telegrams.)

To

A copy each of the undermentioned papers is forwarded to the District Magistrate, Civil and Military Station, Bangalore, for favour of ~~his~~ remarks.

R
7.8.33

for Secretary to the Resident.

S.N.& 1 auto ~~P.U.C.I.~~

Letter No. T.N.258, dated the 3rd July 1933, from the Postmaster-General Madras.

S.N.& 2 auto ~~P.U.C.II.~~

Letter No.258, dated the 7th July 1933, from - do -

Rangaramaiah
3/8/33.

10
8/8

8/8

S. 5.

MGIPC—PB—400CF Mis.—(259)—2-2-25—30,000 Pads.

No. 4051-A-33.

Office of the Collector,
Civil and Military Station, Bangalore.

Dated 22nd August 1933.

From

G.H.Cooke Esq., M.C., I.C.S.,
Collector, Civil and Military Station,
BANGALORE.

To

The Secretary to the Hon'ble
the Resident in Mysore, Bangalore.

Sir,

Non-payment of press bills by the Bangalore Mail, Bangalore- Your No. 5825 dated 11-8-33.

In the absence of any provision either in the Indian Post Office Act, VI of 1898 or in the Indian Telegraph Act, XIII of 1885 to the effect that such amounts may be recovered as arrears of land revenue under the Revenue Recovery Act, I of 1890, I regret I cannot do anything in the matter. I am not aware whether provisio is made for such cases in the rules framed under these Acts as I have not got copies thereof.

I have the honour to be,

Sir,

Your most obedient servant,

COLLECTOR.

prr

Corr.-40.
C[illegible] F./Progs.-40.

E A 3/18/

Indian Posts and Telegraphs Department.

No.

FROM

The Postmaster-General, Madras. TN/258/T.

To

The Secretary to the Hon'ble the Resident in Mysore,

Bangalore.

Number of enclosures

Dated Madras the 29 August 33. '19

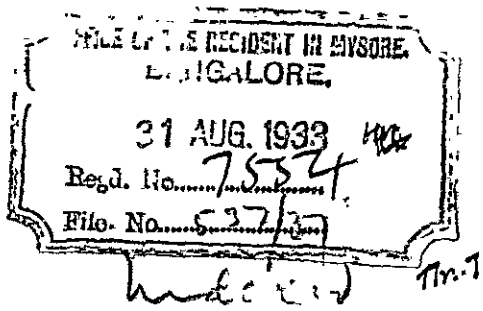
Sir,

Non-payment of press bills by the Bangalore Mail, Bangalore.

X (Reminder. Interim reply sent)

In continuation of this office letter X No. T.N.258 dated the 14th August 33 I have the honour to state that two more press bills one for May 33 for Rs.387/1/0 and another for June 33 for Rs.2/11/0 are payable by the Bangalore Mail, Bangalore. With the above sum the total amount due by the newspaper comes to Rs.2834/- and out of this the security deposit of Rs.200/- is deducted a sum of Rs.2634 is still due from the news paper.

Your advise as to the course of action to be pursued for the recovery of the above sum may kindly be communicated at an early date.



I have the honour to be,

Sir,

Your most obedient servant,

For Postmaster-General.

D.A.Nil.

TVK.29/8

Karim Bux Bros., Printers, Calcutta—340 (D-16)—24-6-32—5,00,000.

All Communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. 11369.

FROM

Major G. Kirkbride, I.A.,

SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Postmaster General,

M a d r a s.

Dated, Bangalore, the 16th December *1933*.

Subject.

Non-payment of press bills by the 'Bangalore Mail', B a n g a l o r e.

SIR,

S.N.S. auth

I am directed to refer to the correspondence ending with your letter T.N./258/T, dated the 29th August 1933, on the subject mentioned above, and to say that in the absence of any provision in the Indian Telegraph Act 1885, for recovery of the amount as arrears of land revenue under the Revenue Recovery Act, 1890, the Hon'ble the Resident is unable to take any action in the matter. There would appear to be only two alter courses for you to adopt:- (1) to accept the terms offe the editor and lessee or (2) to institute a civil sui nst the proprietor or lessee or both for recovery of the su

I have the honour to be,

Sir,

Your most obedient servant,

O/c

for SECRETARY TO THE RESIDENT.

GS.

Corr.-40.
Old S, P./Progs.-40,

Indian Posts and Telegraphs Department.

No. T.N.-258.

FROM

The Postmaster-General, Madras.

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

Number of enclosures

Dated Madras, the 16th December 1933

Subject: Non-payment of press bills by the Bangalore Mail, Bangalore.

Sir,

With reference to your letter No. 9964, dated the 19th October 1933, I have the honour to request you kindly to let me know the probable date on which the further communication promised by you may be excepted.

OFFICE OF THE RESIDENT IN MYSORE.
BANGALORE.
18 DEC. 1933
Regd. No. 10974
File. No.

I have the honour to be,
sir,
your most obedient servant,

for Postmaster-General.

Doc.accg.-
Nil.

AKB.13/12.

Please see S.Ns. 5 & 6.
May be filed.

21.12.33

Karim Bux Bros., Printers, Calcutta—490 (D-26)—20-8-31—7,00,000.

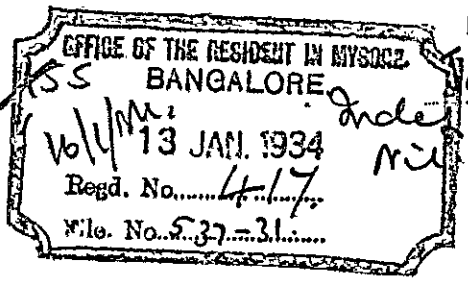
THE BANGALORE MAIL, 18

(1933 LESSEESHIP-H. E. ROSEBOOM)

13

11, RESIDENCY ROAD,
BANGALORE.

January 12, 1934.



Sir:

I have the honour to inform you that on the termination of my lesseeship (December 31, 1933) of the "Bangalore Mail" I have also relinquished editorship of the Paper, and request that the authorities granted me as editor, printer and publisher

THE BANGALORE MAIL,

(1933 LESSEESHIP-H. E. ROSEBOOM)

11 RESIDENCY ROAD,
BANGALORE.

2.

S.N.S^o (G)

as per your No. 698 of 26/1/33 and that of the District Magistrate No S.N.S (G) 391H-A-33 of 7/8/33 may be withdrawn. I understand the Proprietor (Mr. J. Perse Utley) has already advised that the Paper has ceased to publish.

Yours faithfully

H E Roseboom

THE BANGALORE MAIL,

(1933 LESSEESHIP-H. E. ROSEBOOM)

11 RESIDENCY ROAD,
BANGALORE.

P.S. My present address is

c/o. S.H. Kirschner, Esq.,

Rockville Farm,

Whitefield.

19

Letter dated the 6th January 1934, from Mr. J. Perse-Ottley, No.27. A., Infantry Road, Civil and Military Station Bangalore, to the District Magistrate, Civil and Military Station, Bangalore.

--:0:--

I beg to state that the Mr. H. E. Roseboom who had taken my press known as the Bangalore Mail from the 1st January 1933 handed it back to me on the 28th of December 1933 after the expiry of his lease.

I have sold the same to Mr. T. G. Pillay, the Proprietor of Cooper & Co., Brigade Road, Bangalore, on the 30th December 1933..

The Paper known as the Bangalore Mail has ceased to exist from the 28th December 1933.

--:0:--

OFFICE OF THE RESIDENT IN MYSORE. BANGALORE. 13 JAN. 1934 Regd. No. 437 File No. 537-31

Ref. No. 146-A-33

Copy forwarded to the Secretary to the Hon'ble the Resident in Mysore, Bangalore, for information, with reference to his No.698 dated the 26th January 1933.

Office of the Dt.Magistrate,
C. & M. Station, Bangalore.
Dated the 11th January 1934.

DT. MAGISTRATE.

DESPATCHED 12 JAN. 1934

(10)

DEPARTMENT. File No.

BRANCH. Serial No.

Draft Letter / Memorandum / Telegram

Class for telegrams: Ordinary / Express / Urgent* / Priority / Clear Line† — *Only for Foreign Telegrams. †Not for Foreign Telegrams.

To be issued on — Issued on

1st Reminder

2nd Reminder

3rd Reminder — S.N.8 ~~P.U.C.I~~ JGr

Heading :

Case or Diary No.

If post copy of telegram required — S.N.9 ~~P.U.C.II~~

Date of despatch of above — JG

List of enclosures

(Code word for telegrams.)

S.N. 5 JG

(precedent at S.N.3/269A(2)-1891--K)

No. 1027 Dated 5/2/1934. 19

Proceedings of the Hon'ble the Resident in Mysore.

Tgk

.....

Read:

Letter dated the 12th January 1934 from Mr. H.E.Roseboom, the Bangalore Mail, 11 Residency Road, Bangalore.

Endorsement No.146-A-34, dated the 11th January 1934, from the District Magistrate, C & M Station, Bangalore.

O R D E R.

The Hon'ble the Resident in Mysore hereby withdraws the authority granted in his proceedings No.698, dated the 26th January 1933 for the editing, printing and publishing of the paper entitled "The Bangalore Mail", in the Civil and Military Station of Bangalore.

~~since its publication has been ceased~~

Secretary to the Resident.

To

Mr. H.E.Roseboom,
c/o E.H.Kirschner, Esq.,
Rockville Farm, Whitefield

The District Magistrate, C & M. Station, Bangalore, with reference to his Lett. No.

Rangaramaiya 30.1.34. PKS 1.2.34

S. L.

MGIPS—81—249 (GPS) DGP—(M-260)—27-4-31—50,000, Pub.

(1)

DEPARTMENT.

BRANCH.

File No.

Serial No.

Draft

Letter / Memorandum / Telegram

Class for telegrams — Ordinary / Express / Urgent* / Priority / Clear Line† — *Only for Foreign Telegrams. †Not for Foreign Telegrams.

No. 1028 Dated 5/2/1934 19

Qm 1

To be issued on | Issued on

1st Reminder

2nd Reminder

3rd Reminder

Heading :

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(Code word for telegrams.)

To

A copy each of the undermentioned papers is forwarded to the Postmaster General, Madras, for information.

Qm 12

for Secretary to the Resident.

S.N.8 of G
~~p.u.c. I~~

Letter dated the 12th January 1934, from Mr. H.E.Roseboom, 'The Bangalore Mail', 11, Residency Road, Bangalore.

S.N.9 of G
~~p.u.c. II~~

Endorsement No.146-A-34, dated the 11th January 1934, from the District Magistrate, C & M Station, Bangalore.

Bangaramayal
30.1.34.
PWR
1:2:34

Typed
Qm 2

S. F.
MGIPC—91—207 (GPS) DGP—(M-260)—27-4-32—50,000 Pads.